[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 98-6092

D.C. Docket No. 97-00515-CV-CB-M

Filed
U.S. Court of Appeals
Eleventh Circuit
APR 30, 2001
Thomas K. Kahn
Clerk

LAMBERT C. MIMS,

versus Petitioner-Appellant,

UNITED STATES OF AMERICA,

Respondent-Appellee.

No. 98-6932

D.C. Docket No. 97-00515-CV-CB-M

UNITED STATES OF AMERICA,

versus Respondent-Appellee,

LAMBERT C. MIMS,

Petitioner-Appellant.

Appeals from the United States District Court
for the Southern District of Alabama

(April 30, 2001)

Before DUBINA and KRAVITCH, Circuit Judges and DUPLANTIER*, District Judge.

PER CURIAM:

This is an appeal from the district court's order denying appellant Lambert C. Mims's ("Mims") motion to vacate, set aside, or correct sentence brought under 28 U.S.C. § 2255. We granted a certificate of appealability on one issue only: did the district court's instructions to the jury sufficiently charge the "Quid Pro Quo" element of the Hobbs Act offense, and if not, was any resulting error harmless?

After reviewing the record, and specifically after reviewing the district court's jury instructions pertaining to extortion, we conclude that the instructions adequately charged the "Quid Pro Quo" element of the Hobbs Act offense. *See generally McCormick v. U.S.*, 500 U.S. 257 (1991); *United States v. Evans*, 504 U.S. 255 (1992); *United States v. Davis*, 30 F.3d 108 (11th Cir. 1994).

Accordingly, we affirm the district court's judgment denying Mims's § 2255 motion.

AFFIRMED.

* Honorable Adrian G. Duplantier, U.S. District Judge for the Eastern District of Louisiana, sitting by designation.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

NO. 98-6092-CC & 98-6932-CC

Filed
U.S. Court of Appeals
Eleventh Circuit
Jul 27 2001
Thomas K. Kahn
Clerk

LAMBERT C. MIMS,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

On Appeal from the United States District Court for the Southern District of Alabama

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ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

(Opinion _____, 11th Cir., 19___, ___ F.2d ___).

Before: DUBINA and KRAVITCH, Circuit Judges and DUPLANTIER*, District Judge.

PER CURIAM:

The Petition(s) for Rehearing are DENIED and no member of this panel nor other Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc

(Rule 35, Federal Rules of Appellate Procedure; Eleventh Circuit Rule 35-5), the Petition(s) for Rehearing En Banc are DENIED.

ENTERED FOR THE COURT:

/S/
UNITED STATES DISTRICT JUDGE

ORD-42
(6/95)

*Honorable Adrian G. Duplantier, U.S. District Judge for the Eastern District of Louisiana, sitting by designation.